

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

David E. Simpson, NCDC #0370801,
aka David Ezell Simpson, David Simpson,
fka David Ezell Simpson, #11164-058,

Petitioner,

v.

State of South Carolina; Warden G. J.
Branker,


Respondents.

Civil Action No. 2:11-1430-SB

ORDER

This matter is before the Court upon the Petitioner's pro se petition for a writ of habeas corpus. By local rule, the matter was referred to a United States Magistrate Judge for preliminary determinations.

On June 16, 2011, the Magistrate Judge issued a report and recommendation ("R&R") analyzing the petition and recommending that the Court dismiss the petition without prejudice and without requiring the Respondents to file an answer or return, based on the Petitioner's failure to exhaust his state court remedies. Attached to the R&R was a notice advising the Petitioner of the right to file specific, written objections to the R&R within 14 days of the date of service of the R&R. To date, no objections have been filed.

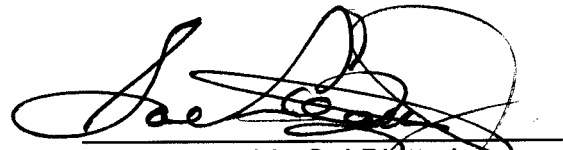


Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because the Petitioner did not file any specific, written objections, there are no portions of the R&R to which the Court must conduct a de novo

review. Accordingly, the Court hereby adopts the Magistrate Judge's R&R as the Order of this Court, and it is

ORDERED that the instant petition is dismissed without prejudice and without requiring the Respondents to file an answer or return.

IT IS SO ORDERED.


The Honorable Sol Blatt, Jr.
Senior United States District Judge

July 12, 2011
Charleston, South Carolina

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